

ESTTA Tracking number: **ESTTA724178**

Filing date: **02/01/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92061571
Party	Defendant Ivo N Njabe
Correspondence Address	IVO N NJABE 3255 JUSTINA TERRACE, APT #7 JACKSONVILLE, FL 32277 UNITED STATES njabe2002@yahoo.ca
Submission	Motion for Sanctions
Filer's Name	Ivo Njabe
Filer's e-mail	njabe2002@yahoo.ca
Signature	/Ivo Njabe/
Date	02/01/2016
Attachments	Motion To Sanction.pdf(143441 bytes ) Response to first request.pdf(2670636 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

GESTION DIANE LANCTÔT LTÉE,

Petitioner

In the matter of Trademark  
Registration No. 4,299,998

V.

For the mark NIVO (Stylized)  
Registered on March 12, 2013

IVO N. NJABE,

Cancellation No. **92061571**

Registrant.

**REGISTRANT'S MOTION SANCTIONS**

Pursuant to the cancellation proceeding referenced above, discovery is set to close today February 1, 2016. Registrant, Ivo N. Njabe (hereinafter, "Registrant") submitted its "RESPONSES TO PETITIONER'S REQUEST FOR DOCUMENTS AND THINGS," that was served on GESTION DIANE LANCTÔT LTÉE (hereinafter, ("Petitioner")) through its attorneys on December 28, 2015, a copy of which is attached.

Registrant hereby advises the Board that it submitted a motion with the Board on January 11, 2016 to compel discovery and that it has acted in good faith in this proceeding.

Petitioner has demonstrated a lack of seriousness on this issue and did not notify Registrant about a request for additional time to provide Registrant responses to its discovery until February 30, 2016, two days before discovery is set to close.

Accordingly, Registrant respectfully advises the Board that it has acted in good faith. That Petitioner has not submitted its responses to Registrants request and that the Board should sanction Petitioner.

Respectfully submitted,

*/S/ Ivo N. Njabe.*  
Ivo. N. Njabe  
Owner of NIVO  
3255 Justina Terrace Apt. 7  
Jacksonville, FL. 32277  
Tel: (904) 553-5618  
Email: [njabe2002@yahoo.ca](mailto:njabe2002@yahoo.ca)

### **CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the **REGISTRANT'S MOTION FOR SANCTIONS** has been served on:

GESTION DIANE LANCTÔT LTÉE

By emailing said copy, as agreed, on January 1, 2016, as follows:

F. Michael Sajovec  
Peter D. Siddoway  
MYERS BIGEL & SIBLEY, P.A.  
4140 Parklake Avenue, Suite 600  
Raleigh, North Carolina 27612  
(919) 854-1400 (telephone)  
(919) 854-1401 (facsimile)  
[psiddoway@myersbigel.com](mailto:psiddoway@myersbigel.com)  
Attorney for Petitioner.

*/S/ Ivo N. Njabe*  
3244 Justina Terrace, Apt. #7

Jacksonville, Florida 32277  
E-mail: njabe2002@yahoo.ca

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

GESTION DIANE LANCTÔT LTÉE,

Petitioner,

In the matter Trademark  
Registration Number 4299998

Vs.

For the mark NIVO (Stylized)  
Registered on March 12, 2013

N. IVO NJABE,

Cancellation Number 92061571

Registrant.

**REGISTRANT'S RESPONSES TO PETITIONER'S REQUEST FOR DOCUMENTS  
AND THINGS**

The following answers are hereby submitted in response to Petitioner's request for production of documents and things, pursuant to Section 45 of the Trademark Act, 15 U.S.C. §1127.

The information provided herein is only intended to serve the intended purpose and must not be used for any other purpose with Registrant's permission.

Request No. 1: Produce all documents, things, and electronically stored information regarding the creation, selection, and adoption of Registrant's Mark by or on behalf of Registrant.

*Answer:* The NIVO brand name is derived from my first name, Ivo, and the first letter of my last name, Njabe. When I was in elementary school, my friends gave me the nickname Nivo Bagio on the soccer field. I had always found the name Nivo to be cute, and given my interest in fashion, there was no better brand name I could think of. This information was never stored electronically. However, sketches of the logo are still available but are not provided because the Nivo logo is not a subject of this proceeding.

Request No. 2: Produce all documents, things, and electronically stored information regarding any investigation or search concerning Registrant's selection, adoption, or decision to apply for Federal registration of Registrant's Mark.

*Answer:* We found no conflict during the search conducted in the registration process. Also, the United States Patent and Trademark Office found no conflict in its search within the USPTO database prior to Trademark approval. Furthermore, given our past use of the Mark, we did not anticipate any issues with respect to opposition or petition to cancel. For example, our first business transaction predates petitioner's claim of first use of the Nivo Mark. Therefore, we found no need to keep such search records.

Request No. 3: Produce all documents, things, and electronically stored information referring to, relating to, or concerning the date that Registrant first selected Registrant's Mark.

**Answer:** The NIVO brand name is derived from my first name, Ivo, and the first letter of my last name, Njabe. When I was in elementary school, my friends gave me the nickname Nivo Bagio on the soccer field. I had always found the name Nivo to be cute and given my interest in fashion, there was no better brand name I could think of. This information was never stored electronically. However, sketches of the logo are still available but are not provided because the logo is not a subject of this proceeding.

The Mark was first used in business in Cameroon in 2005. Given the poor business infrastructure and technology in the country, many old documents are no longer available. Please see our sales transaction in 2006 under the Nivo brand name below;

**INVOICE**

DATE: 5/2/2006

INVOICED TO: CAMJAX USA

INVOICED TO: Mr. Richard Njabe Njom  
5150 E. Caroline Road Apt. 310  
Jacksonville, FL 32277  
U.S.A.

INVOICE NO: 11243

QUANTITY: 27

DESCRIPTION: NIVO Shirts

PRICE: \$19.77

AMOUNT: \$534.73

Request No. 4: Produce all documents, things, and electronically stored information evidencing the circumstances of Registrant's first use or intended first use of Registrant's Mark.

*Answer:* The NIVO brand name is derived from my first name, Ivo, and the first letter of my last name, Njabe. When I was in elementary school, my friends gave me the nickname Nivo Bagio on the soccer field. I had always found the name Nivo to be cute and given my interest in fashion, there was no better brand name I could think of. This information was never stored electronically. However, sketches of the logo are still available but are not provided because the logo is not a subject of this proceeding.

Request No. 5: Produce all documents, things, and electronically stored information relating to Registrant's past, present, and future marketing plans for or including Registrant's Mark.

*Answer:* As we have been and remain a small business, our marketing plan has focused on word of mouth. We also have a Facebook page at <https://www.facebook.com/nivostore/>. Our future marketing strategy is included in our marketing plan, which we consider a trade secret. The entire business and marketing plan is available for inspection at 3255 Justina Terrace, Jacksonville, FL.

Request No. 6: Produce all documents sufficient to show the amount of money expended and budgeted by Registrant for signage or advertising material utilizing Registrant's Mark, or promoting or advertising goods in connection with Registrant's Mark.



*Answer:* A detailed breakdown of advertising cost is provided within our business and marketing plan which is available for inspection in Jacksonville FL. As we consider our business and marketing plans to be trade secrets, we do not believe it is appropriate to provide copies to potential competitors.

Request No. 7: Produce all documents which identify each different good sold, offered for sale, intended to be sold or intended to be offered for sale under Registrant's Mark, including a sample of goods and materials delivered to purchasers of such goods.

*Answer:* Please see Appendix One and Two below. Also see response to request no. 8 below.

Request No. 8: Produce all documents which record, refer to, or relate to the sales by Registrant of any goods under or in connection with Registrant's Mark including, but not limited to, all purchase orders, invoices, receipts, contracts, agreements, and/or sales summaries.

*Answer:* Please see below.

• Notification of payment received

- **Fatimatou Cherif via PayPal** <member@paypal.com>  
To Nivo, LLC



Aug 4, 2015 15:54:23 PDT  
Transaction ID: [7H482987TA584081D](#)

Hello Nivo, LLC,

**You received a payment of \$34.99 USD from Fatimatou Cherif (latifakd@yahoo.fr)**

Thanks for using PayPal. You can now ship any items. To see all the transaction details, log in to your PayPal account.

It may take a few moments for this transaction to appear in your account.

**Seller Protection - Eligible**

**Buyer**  
Fatimatou Cherif  
latifakd@yahoo.fr

**Instructions to merchant**  
The buyer hasn't entered any instructions.

**Shipping address - confirmed**  
Fatimatou Cherif  
18541 NW Heritage Parkway  
Unit 208  
Hillsboro, OR 97008  
United States

**Shipping details**  
You haven't added any shipping details.

Description	Unit price	Qty	Amount
Nivo T Gray Item# Nivo T Gray	\$24.99 USD	1	\$24.99 USD
Shipping, Handling, Discounts & Taxes	\$10.00 USD	1	\$10.00 USD
Subtotal			\$34.99 USD
Total			\$34.99 USD
Payment			\$34.99 USD

- **Augustin Dinefo via PayPal** <member@paypal.com>  
To Nivo, LLC



Aug 9, 2015 15:03:41 PDT  
Transaction ID: [49B417780C228294J](#)

Hello Nivo, LLC,

**You received a payment of \$34.99 USD from Augustin Dinefo (dinefo@yahoo.it)**

Thanks for using PayPal. You can now ship any items. To see all the transaction details, log in to your PayPal account.

It may take a few moments for this transaction to appear in your account.

**Seller Protection - Eligible**

**Buyer**  
Augustin Dinefo  
dinefo@yahoo.it

**Instructions to merchant**  
The buyer hasn't entered any instructions.

**Shipping address - confirmed**  
Augustin Dinefo  
978 WOODVIEW LANE  
KNOXVILLE, TN 37909  
United States

**Shipping details**  
You haven't added any shipping details.

Description	Unit price	Qty	Amount
Nivo T Item# Nivo T	\$24.99 USD	1	\$24.99 USD
Shipping, Handling, Discounts & Taxes	\$10.00 USD	1	\$10.00 USD
Subtotal			\$34.99 USD
Total			\$34.99 USD
Payment			\$34.99 USD

**INVOICE**

DATE 5/4/2006

SOLD TO CAMJAX USA.

SHIPPED TO CAMJAX U.S.A.  
c/o Mr. Richard H. H. H.  
5159 Ft. Caroline Road, Apt. 810  
Jacksonville, FL 32273  
U.S.A.

OUTLET NO. 1243  
YOUR ORDER NO. 17431  
CURRENCY \$one  
TAX 12.5% (Post Office)  
DATE 12/31/2006

QUANTITY	DESCRIPTION	PRICE	AMOUNT
27	NIVO Shirts	\$19.77	\$534.73

**INVOICE**

DATE 5/11/2008

SOLD TO CAMJAX U.S.A.

SHIPPED TO CAMJAX U.S.A.  
c/o Mr. Richard H. H. H.  
5159 Ft. Caroline Road, Apt. 810  
Jacksonville, FL 32273  
U.S.A.

OUTLET NO. 1243  
YOUR ORDER NO. 17431  
CURRENCY \$one  
TAX 12.5% (Post Office)  
DATE 12/31/2006

QUANTITY	DESCRIPTION	PRICE	AMOUNT
25	NIVO Shirts	\$18.77	\$474.75

**INVOICE**

DATE: 05/08/10

SHIPPED TO: Mr. Richard M. Morgan, 2000 University Blvd. N., Apartment 3016, Jacksonville, FL 32217

QUANTITY: 26, DESCRIPTION: Nivo Shorts, PRICE: \$15.99, AMOUNT: \$415.74

**NIVO**  
3255 Justina Terrace  
Jacksonville, FL 32277

Date: 4/6/2013

Received From: ERIC, \$16.50

Payment of: Sports shirt

Amount Due: \$16.50, Amount Paid: \$20.00

☐ Check #, ☒ Cash, ☐ MO

*[Signature]*



**RECEIPT**

**NIVO**  
3255 Justina Terrace  
Jacksonville, FL 32277

Date 7/5/2018

Received From Jamie

For Payment of: \$12 Nivo Weekend Shirt \$ 12.00

Amount Due	<u>\$12.00</u>	<input type="checkbox"/> Check # _____ <input type="checkbox"/> Cash <input type="checkbox"/> MO <u>[Signature]</u> Signature
Amount Paid	<u>\$12.00</u>	
Balance	<u>00</u>	

**RECEIPT**

**NIVO**  
3255 Justina Terrace  
Jacksonville, FL 32277

Date 4/20/20

Received From Emily

For Payment of: Sports wear \$ 16.50

Amount Due	<u>\$16.50</u>	<input type="checkbox"/> Check # _____ <input type="checkbox"/> Cash <input type="checkbox"/> MO <u>[Signature]</u> Signature
Amount Paid	<u>\$17.00</u>	
Balance	<u>\$0.50</u>	

Please also refer to sales summary below and Exhibits One and Two below.

**Request No. 9:** Produce all documents, things, and electronically stored information sufficient to identify the amount of profit earned by Registrant in connection with the sale of any goods under Registrant's Mark including, but not limited to, sales revenues,

quantities, gross receipts, material costs, labor costs, general and administrative costs, overhead, gross profits and net profits.

*Answer:* Please see below;

**Revenue Projection:**

<b>Product Type</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>
T-shirts	\$30,000	\$36,000	\$72,000	\$86,400	\$172,800
Golf-shirts	25,000	30,000	60,000	72,000	144,000
Jeans		25,400	50,800	60,960	121,920
Dress shirts	23,000	27,600	55,200	66,240	132,480
Sports wear	10,000	42,000	84,000	100,800	216,000
Underwear		12,000	24,000	28,800	57,600
Baseball cap	5,000	14,400	28,800	34,560	69,120
<b>Total Sales</b>	<b>\$93,000</b>	<b>\$187,000</b>	<b>\$374,000</b>	<b>\$484,320</b>	<b>\$983,040</b>

**Cost Projection:**

<b>Cost Type</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>
Design	\$2,000	\$3,000	\$3,000	\$4,000	\$6,000
Manufacture	\$8,000	\$10,000	\$12,000	\$12,000	\$20,000
Transport In	\$4,000	\$6,000	\$8,000	\$9,000	\$12,000
<b>COS</b>	<b>\$14,000</b>	<b>\$19,000</b>	<b>\$23,000</b>	<b>\$25,000</b>	<b>\$38,000</b>
Rent	\$10,000	\$30,000	60,000	\$60,000	\$120,000
Transport out	\$4,000	\$6,000	\$8,000	\$8,000	\$12,000
Packaging	\$2,000	\$3,000	\$4,000	\$4,000	\$6,000
Marketing	\$6,000	\$6,000	\$8,000	\$8,000	\$10,000
Salaries	\$80,000	\$80,000	\$130,000	\$130,000	\$220,000
Other	5,000	\$6,000	\$8,000	\$8,000	\$10,000
<b>G&amp;A Expens</b>	<b>107,000</b>	<b>\$131,000</b>	<b>\$218,000</b>	<b>\$218,000</b>	<b>\$378,000</b>
<b>Total Cost</b>	<b>\$121,000</b>	<b>\$150,000</b>	<b>\$241,000</b>	<b>\$243,000</b>	<b>\$416,000</b>

**Profit Projection:**

	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>
<b>Total Sales</b>	\$93,000	\$187,000	\$374,000	\$484,320	\$983,040
<b>Total COS</b>	14,000	19,000	23,000	25,000	38,000
<b>Gross Margin</b>	<b>79,000</b>	<b>168,000</b>	<b>351,000</b>	<b>459,320</b>	<b>945,040</b>
<b>G&amp;A Expense</b>	107,000	131,000	218,000	218,000	378,000
<b>Operating Income</b>	<b>-\$27,000</b>	<b>\$37,000</b>	<b>\$133,000</b>	<b>\$241,320</b>	<b>\$567,040</b>

Request No. 10: Produce all documents, things, and electronically stored information that refer or relate to Registrant's projected annual income from the sale of Registrant's goods under Registrant's Mark for each of the next five years.

*Answer:* Our projected annual income from sale of goods under the Nivo Mark for each of the next five years is clearly stated in our business plan which is available for inspection at 3255 Justina Terrace, Jacksonville, FL. 32277. We do believe it is appropriate to distribute copies of our business plan, given the competitive nature in this industry.

Request No. 11: Produce all documents, things, and electronically stored information sufficient to identify each of Registrant's customers who have purchased goods sold by Registrant under Registrant's Mark.

*Answer:* Please see below

• Notification of payment received

- **Fatimatou Cherif via PayPal** <member@paypal.com>  
To Nivo, LLC



Aug 4, 2015 15:54:23 PDT  
Transaction ID: [7H482987TA584081D](#)

Hello Nivo, LLC,

**You received a payment of \$34.99 USD from Fatimatou Cherif (latifakd@yahoo.fr)**

Thanks for using PayPal. You can now ship any items. To see all the transaction details, log in to your PayPal account.

It may take a few moments for this transaction to appear in your account.

**Seller Protection** - [Eligible](#)

**Buyer**  
Fatimatou Cherif  
latifakd@yahoo.fr

**Shipping address - confirmed**  
Fatimatou Cherif  
18541 NW Heritage Parkway  
Unit 208  
Hillsboro, OR 97006  
United States

**Instructions to merchant**  
The buyer hasn't entered any instructions.

**Shipping details**  
You haven't added any shipping details.

Description	Unit price	Qty	Amount
Nivo T Gray Item# Nivo T Gray	\$24.99 USD	1	\$24.99 USD
Shipping, Handling, Discounts & Taxes	\$10.00 USD	1	\$10.00 USD
		Subtotal	\$34.99 USD
		<b>Total</b>	<b>\$34.99 USD</b>
		<b>Payment</b>	<b>\$34.99 USD</b>



Augustin Dinefo via PayPal <member@paypal.com>

To Nivo, LLC



Aug 9, 2015 15:03:41 PDT  
Transaction ID: [49B417780C228294J](#)

Hello Nivo, LLC,

**You received a payment of \$34.99 USD from Augustin Dinefo (dinefo@yahoo.it)**

Thanks for using PayPal. You can now ship any items. To see all the transaction details, log in to your PayPal account.

It may take a few moments for this transaction to appear in your account.

**Seller Protection - Eligible**

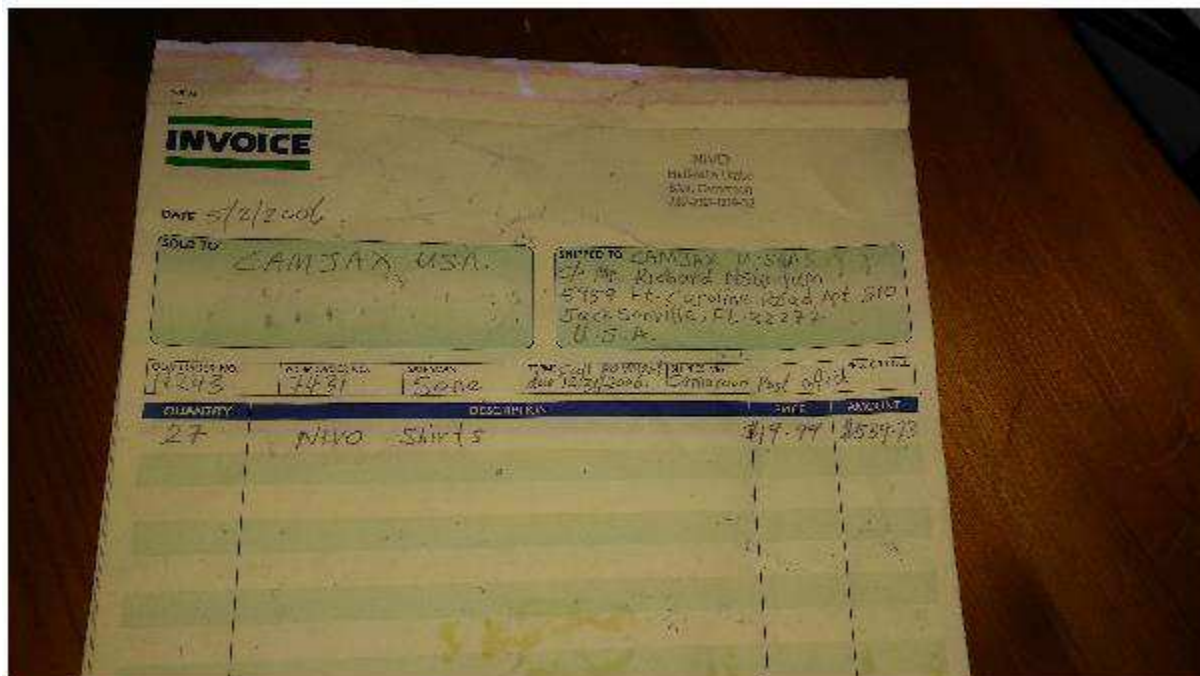
**Buyer**  
Augustin Dinefo  
dinefo@yahoo.it

**Shipping address - confirmed**  
Augustin Dinefo  
978 WOODVIEW LANE  
KNOXVILLE, TN 37909  
United States

**Instructions to merchant**  
The buyer hasn't entered any instructions.

**Shipping details**  
You haven't added any shipping details.

Description	Unit price	Qty	Amount
Nivo T Item# Nivo T	\$24.99 USD	1	\$24.99 USD
Shipping, Handling, Discounts & Taxes	\$10.00 USD	1	\$10.00 USD
Subtotal			\$34.99 USD
Total			\$34.99 USD
Payment			\$34.99 USD



# INVOICE

DATE 5/1/2008

NIVO  
15450 N. 1st Ave.  
Miami, FL 33180  
305-755-0150

SOLD TO

CANSA, U.S.A.

SHIPPED TO

Mr. Richard W. Burroughs  
5457 Ft. Caroline Road, Apt. 810  
Jacksonville, FL 32247  
U.S.A.

OUTLINES NO.

N361

YOUR ORDER NO.

18240

CUSTOMER

Sans

DATE RECEIVED

05/19/08 Post Office

PRICE

18.77

AMOUNT

18424.75

QUANTITY	DESCRIPTION	PRICE	AMOUNT
25	NIVO Shirts	18.77	18424.75

# INVOICE

DATE 05/08/10

NIVO  
15450 N. 1st Ave.  
Miami, FL 33180  
305-755-0150

SOLD TO

Canja, United States

SHIPPED TO

Mr. Richard W. Burroughs  
2400 University Blvd. N.  
Apt. 810, 3010  
Jacksonville, FL 32247  
United States

OUTLINES NO.

N394

YOUR ORDER NO.

18431

CUSTOMER

Edudo

DATE RECEIVED

05/19/08 Post Office

PRICE

18.77

AMOUNT

NA

QUANTITY	DESCRIPTION	PRICE	AMOUNT
26	NIVO Shirts	18.77	18424.75



**NIVO**  
3255 Justina Terrace  
Jacksonville, FL 32277

Date 4/6/2013

Received From ERIC \$ 16.50

Payment of: Sports shirt

Amount Due	\$ <u>16.50</u>	<input type="checkbox"/> Check # _____	<input checked="" type="checkbox"/> Cash	<input type="checkbox"/> MO
Amount Paid	\$ <u>20.00</u>	<div style="font-family: cursive; font-size: 1.2em;">[Signature]</div>		
Balance	\$ <u>3.50</u>			

**NIVO**  
3255 Justina Terrace  
Jacksonville, FL 32277

Date 7/5/2013

Received From Jamie \$ 12.00

For Payment of: \$12.00 Nivo Weekend shirt

Amount Due	\$ <u>12.00</u>	<input type="checkbox"/> Check # _____	<input checked="" type="checkbox"/> Cash	<input type="checkbox"/> MO
Amount Paid	\$ <u>12.00</u>	<div style="font-family: cursive; font-size: 1.2em;">[Signature]</div>		
Balance	\$ <u>0.00</u>			

Signature \_\_\_\_\_

**RECEIPT**

**NIVO**  
3255 Justina Terrace  
Jacksonville, FL 32277

Date 4/20/20

Received From Emily

For Payment of: Sports wear \$ 16.50

Amount Due	\$ <u>16.50</u>
Amount Paid	\$ <u>17.00</u>
Balance	\$ <u>0.50</u>

☐ Check # \_\_\_\_\_ ☐ Cash ☐ MO

[Signature]  
Signature

Request No. 12: Produce all documents, things, and electronically stored information sufficient to identify all locations and/or websites that sell goods under Registrant's Mark.

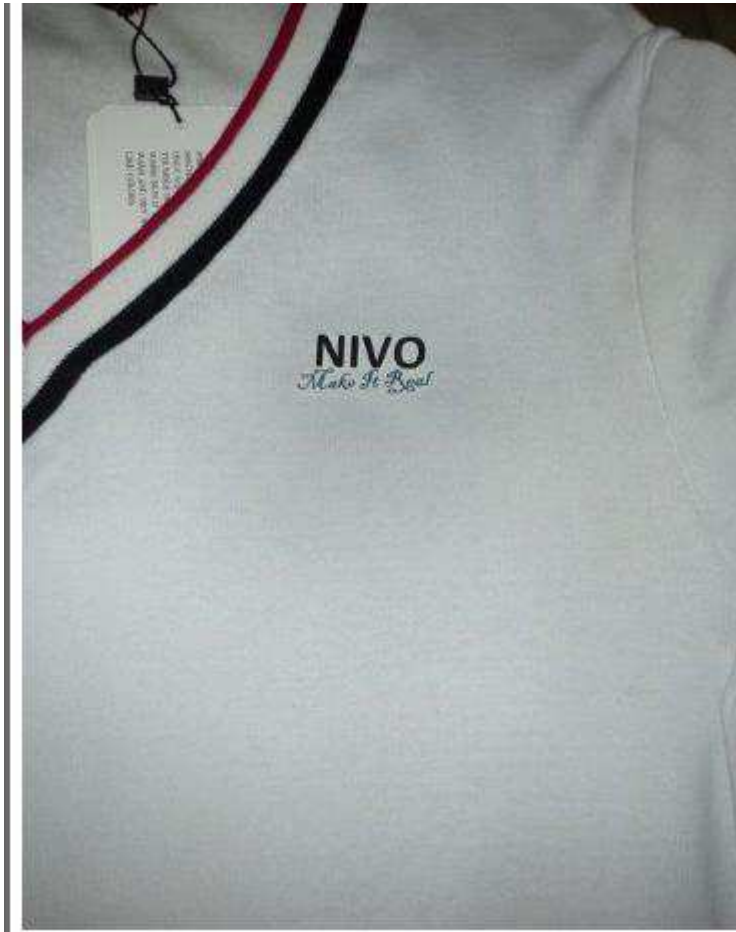
**Answer:** Our primary sales location has been the Jacksonville Beach Flee market. As part of our expansion and growth strategy, we also sell on our website at [www.nivostore.com](http://www.nivostore.com)

Request No. 13: Produce all documents, things, and electronically stored information regarding each instance of actual or apparent confusion known to Registrant regarding the source of origin of Registrant's goods and the source or origin of Petitioner's goods.

**Answer:** Given that Petitioner and I sell products of the same class, under the same mark (Nivo), there is a likelihood of confusion as to the source of Petitioner's goods.

Request No. 14: Produce all documents which refer to, relate to, or are in any way concerned with the preparation, filing and/or prosecution of any applications for registration, state or federal, of marks by Registrant.

**Answer:** Please see below. Also see Registrant's mark registered and approved by the United States Patent and Trademark Office within the records of USPTO.



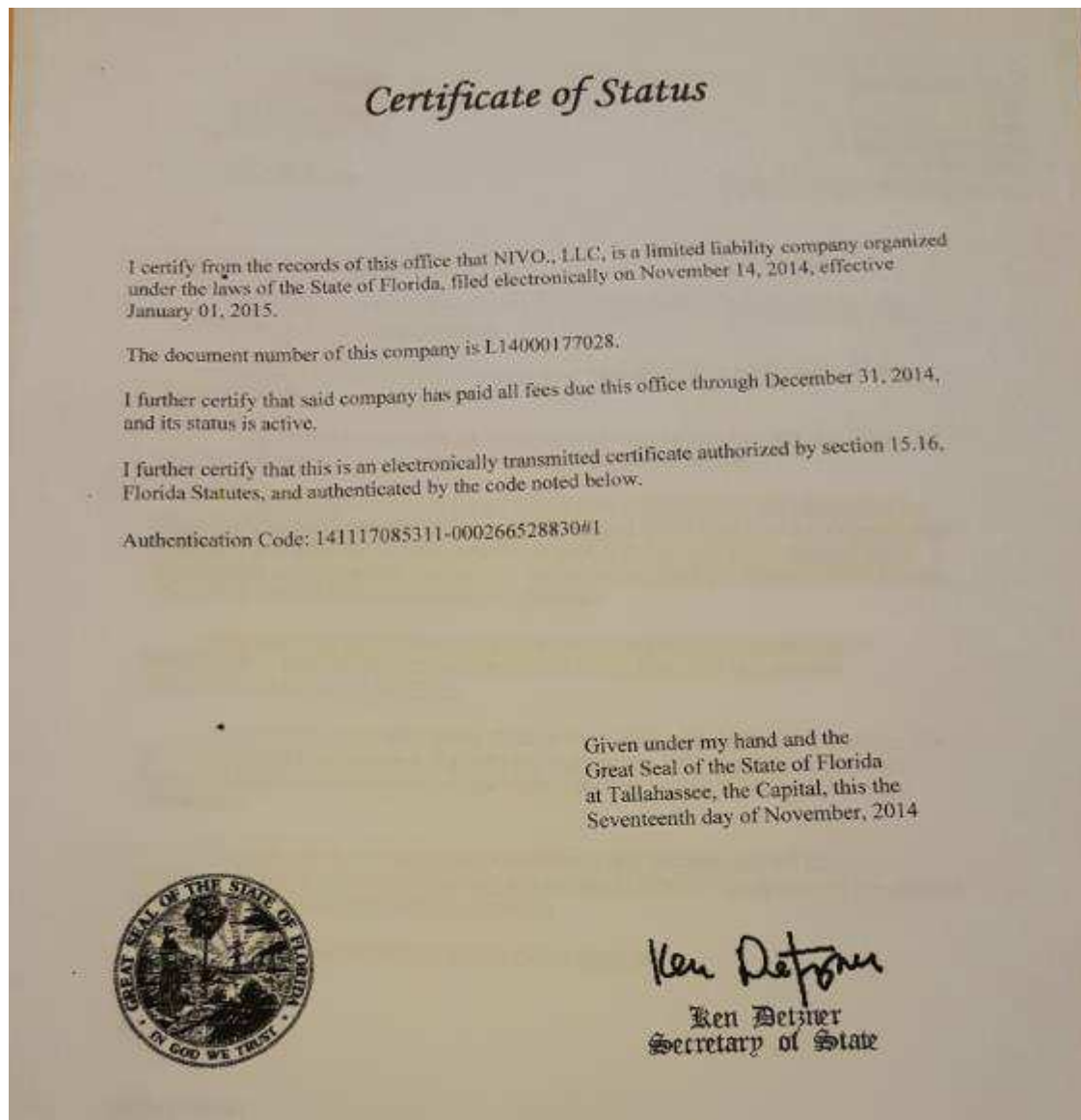
Request No. 15: Produce a sample of each good which is being used or is intended to be sold under Registrant's Mark.

**Answer:** Please see Exhibits One and Two below



Request No. 16: Produce all documents which record, refer, or relate to the channels of trade through which Registrant markets any goods under Registrant's Mark.

*Answer:* We sell our products at the Jacksonville Beach Flee Market, contacts familiar with our business, such as CamJax and at [www.nivostore.com](http://www.nivostore.com) . Also see below;





5125 Adelson Street  
Suite 500  
Orlando, FL 32804  
1 800 370 2942 phone  
407-647-9575 fax  
[info@floridaincorporationservice.com](mailto:info@floridaincorporationservice.com)

Dear LLC Service Customer,

Thank you very much for selecting Florida Incorporation Service to create your new Florida Limited Liability Company.

Enclosed are materials that confirm your new company is a legal entity in the State of Florida.

If you ordered the Certificate of Status it will also be included with this letter. If you ordered an embosser, it will arrive shortly in a separate mailing.

It is your responsibility to file an annual report/uniform business report with the Division of Corporations between January 1 and May 1 of the year after the effective date and every year after to keep the company in good standing with the FL Dept of State. If the payment is not made to the state in a timely manner they will impose a \$400 late fee. The website for this information is [www.sunbiz.org](http://www.sunbiz.org).

It is also your responsibility to keep a current address with the Division of Corporations. You can make these changes on the FL Dept of State's website [corpaddresschange@dos.state.fl.us](mailto:corpaddresschange@dos.state.fl.us).

If you ordered the 8832 Entity Election form and/or the 2553 Sub S Election, it is your responsibility to complete, sign and get them to the IRS. If you have questions about this special tax treatment, please contact the IRS or your accountant for more information.

We hope you found our services convenient and efficient and will share our website with friends and associates who are looking to establish companies in the state of Florida. [www.floridaincorporationservice.com](http://www.floridaincorporationservice.com).

If you have any questions, please call or email us.

Sincerely,

Jeffrey Palran  
CEO

**Electronic Articles of Organization  
For  
Florida Limited Liability Company**

L14000177028  
FILED 8:00 AM  
November 14, 2014  
Sec. Of State  
jshivers

**Article I**

The name of the Limited Liability Company is:  
NIVO, LLC

**Article II**

The street address of the principal office of the Limited Liability Company is:  
3255 JUSTINA TERRACE  
APT 7  
JACKSONVILLE, FL US 32277

The mailing address of the Limited Liability Company is:  
3255 JUSTINA TERRACE  
APT 7  
JACKSONVILLE, FL US 32277

**Article III**

Other provisions, if any:  
TO SELL APPAREL, BAGS, JEWELRY, OTHER FASHION GOODS

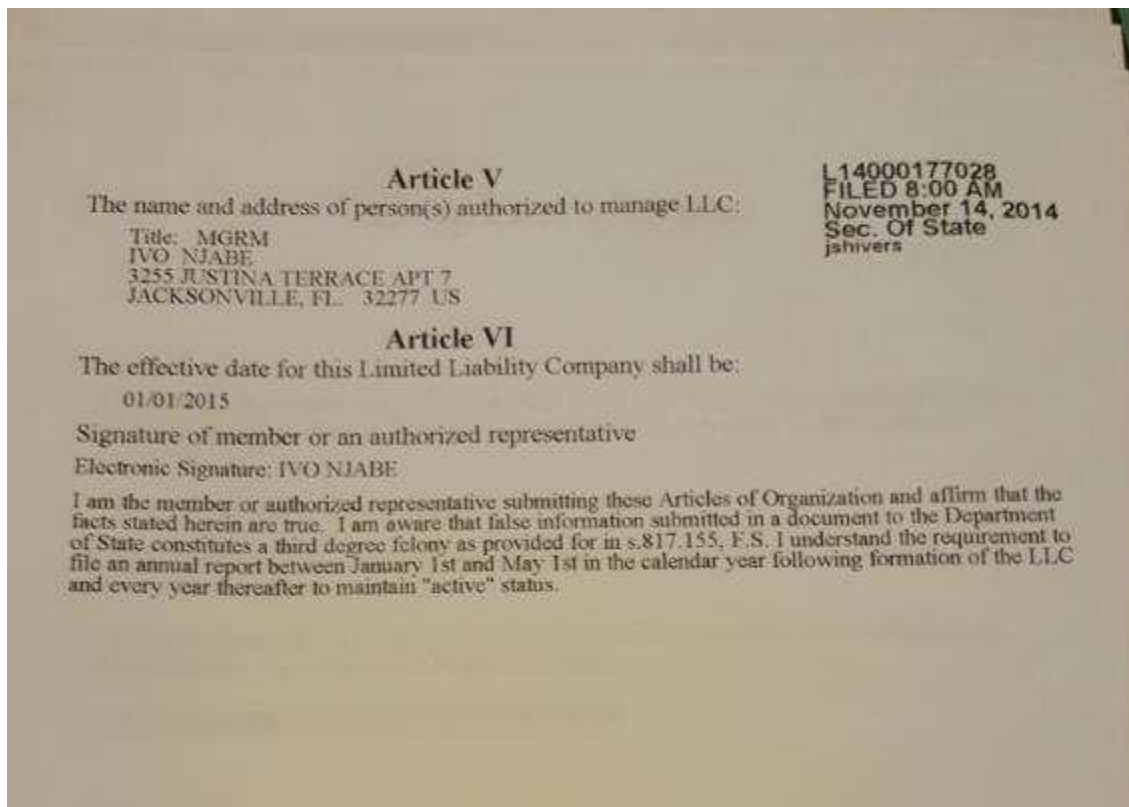
**Article IV**

The name and Florida street address of the registered agent is:  
IVO NJABE  
3255 JUSTINA TERRACE  
APT 7  
JACKSONVILLE, FL 32277

Having been named as registered agent and to accept service of process for the above stated limited liability company at the place designated in this certificate, I hereby accept the appointment as registered agent and agree to act in this capacity. I further agree to comply with the provisions of all statutes relating to the proper and complete performance of my duties, and I am familiar with and accept the obligations of my position as registered agent.

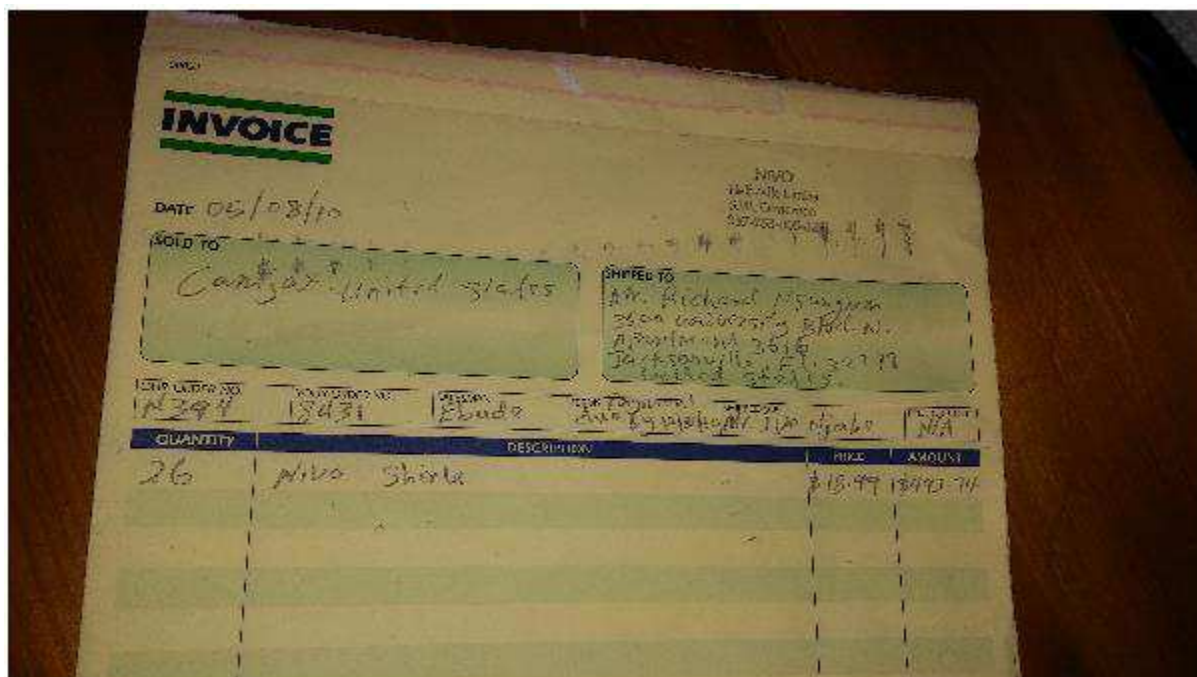
Registered Agent Signature: IVO NJABE





Request No. 17: Produce all documents, things, and electronically stored information that support (or not) your statement that you “conducted business in the United States in May, 2006; May, 2008; and May, 2010, under the NIVO brand name.” See Response to Petition, at ¶12.

**Answer:** Please see below;



**INVOICE**

DATE 5/1/2008

NIVO  
15450 N. 1st Ave.  
Suite 100  
Tampa, FL 33613  
727-785-0152

SOLD TO  
CAMJAX U.S.A.

SHIPPED TO  
c/o Mr. Richard W. Burgum  
5757 Ft. Caroline Road, Apt. 810  
Jacksonville, FL 32277  
U.S.A.

CUSTOMER NO. N361 YOUR ORDER NO. 18240 CATEGORY Sane DATE RECEIVED 5/19/08 POST OFFICE

QUANTITY	DESCRIPTION	PRICE	AMOUNT
25	NIVO Shirts	\$18.77	\$474.75

**INVOICE**

DATE 5/2/2006

NIVO  
15450 N. 1st Ave.  
Suite 100  
Tampa, FL 33613  
727-785-0152

SOLD TO  
CAMJAX USA.

SHIPPED TO  
CAMJAX U.S.A.  
c/o Mr. Richard W. Burgum  
5757 Ft. Caroline Road, Apt. 810  
Jacksonville, FL 32277  
U.S.A.

CUSTOMER NO. 1243 YOUR ORDER NO. 17481 CATEGORY Sane DATE RECEIVED 5/2/2006 POST OFFICE

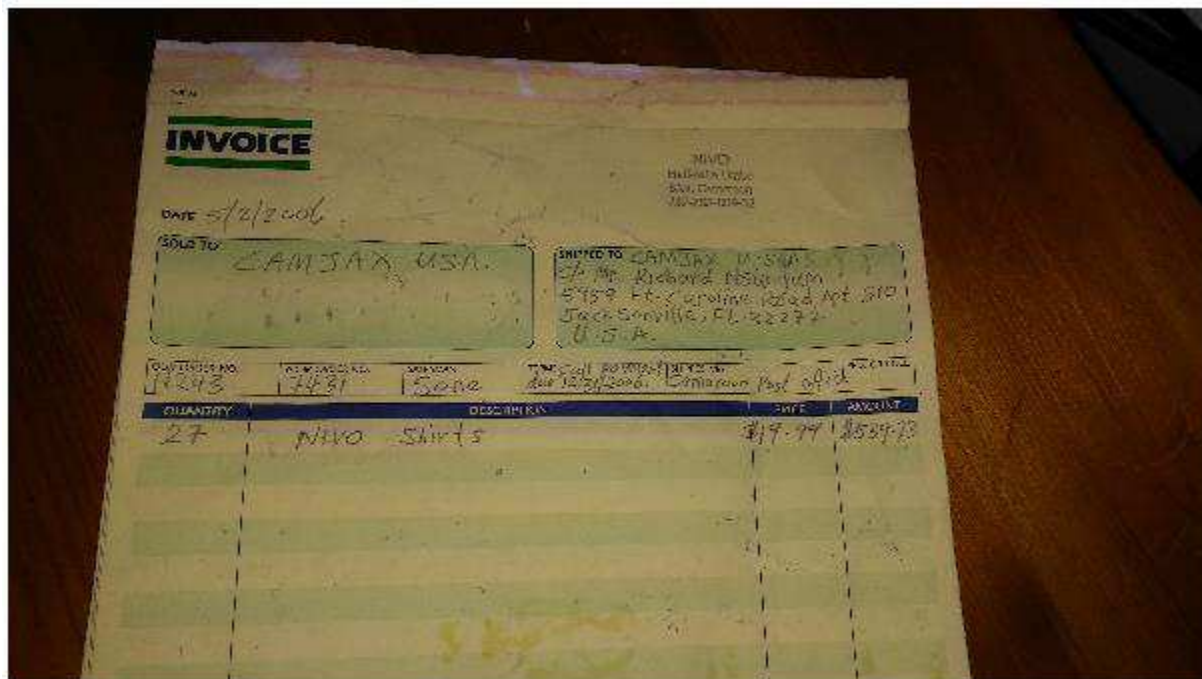
QUANTITY	DESCRIPTION	PRICE	AMOUNT
27	NIVO Shirts	\$19.77	\$534.79

Request No. 18: Produce all documents, things, and electronically stored information that support (or not) your statement that Registrant's Mark has "growing appeal and goodwill." See Response to Petition, at ¶13 (a).

**Answer:** The Nivo Trademark was first introduced in Cameroon in 2005. Since then, it has gained recognition abroad (e.g. the United States) as we sold Nivo products in the United States in 2006 (as shown in answer for request No. 17 above). Repeated sales in 2008 and 2010 and our growing online appeal at [www.nivostore.com](http://www.nivostore.com) is proof that we have made strides in the hearts of customers.

Request No. 19: Produce all documents, things, and electronically stored information that support (or not) your statement that your “first business transaction in the United States predates Petitioner’s claim of first of use.” See Response to Petition, at ¶3 (b).

**Answer:** Please see below.



Request No. 20: Produce all documents, things, and electronically stored information that support (or not) your statement that you “will rely on copies of some of my products and my active website as evidence.” See Response to Petition, at ¶7.

**Answer:** Please see Appendix One and Two below and responses to requests above.

Also see [www.nivostore.com](http://www.nivostore.com) as evidence that there are no current plans to abandon the use of Nivo Mark.

Request No. 21: Produce all documents, things, and electronically stored information that refer to, relate to, or concern Registrant's Mark.

**Answer:** Please see Appendix One and Two below. Also see the USPTO database and response to request no.8

Request No. 22: Produce all documents, things, and electronically stored information that refer to, relate to, or concern Petitioner's Mark.

**Answer:** Please refer to the letter of protest within the records of USPTO filed against Petitioner by Registrant.

#### Appendix One: Some of my business contacts with manufacturers

**Subject:** Re: inquiry of caps  
**From:** "samuel zhou" <bayaexp@126.com>  
**Date:** Sun, January 25, 2015 7:13 am  
**To:** info@nivomall.com  
**Priority:** Normal  
**Options:** [View Full Header](#) | [View Printable Version](#) | [Download this as a file](#) | [Add to Address Book](#) | [View Message Details](#) | [View as plain text](#)

Dear Ivo,

Good day!

Thanks for your kind inquiry, in attached please find picture to show some caps we produced before.

Could you please send us your design and forecast quantity, then we can send you quotation.

Thanks & Best Regards

Samuel

Shanghai Wenda Industries Co., Ltd.

Add: Room 102, No. 43, Lane 1999, Qixin Road,

Minhang District, Shanghai, China





**Subject:** Re: Re: SANTIC SPORTS  
**From:** "Sales2" <sales2@santic.cn>  
**Date:** Sun, January 25, 2015 7:07 pm  
**To:** info@nivomall.com  
**Priority:** Normal

**Options:** [View Full Header](#) | [View Printable Version](#) | [Download this as a file](#) | [Add to Address Book](#) | [View Message Details](#) | [View as plain text](#)

---

Hi Ivo,

Have a nice day.

Could you tell me which styles of sport wears do you like best?

So that I can introduce our specific styles for your reference.

Thanks.

Best regards!  
Sanni Chen

-----  
Santic(Quanzhou)Sports Co.,Ltd.  
3rd Fl.No.6 Bldg.Jinxu Plaza 668#Shiji Rd.Jinjiang Fujian China  
Tel:+86-595-82031701/82031703 Ext:6023  
D/L:+86-595-82662902  
Fax:+86-595-85631165  
<http://www.santicsports.com>  
<http://www.santic.cn>

-----Original Message-----  
From: info@nivomall.com  
To: sales2@santic.cn  
Cc:  
Subject: Re: SANTIC SPORTS  
Date: 2015-01-26 10:01:42.0

Subject: Re: Santic SPORTS  
Date: 2015-01-26 10:01:42.0

Hi Sanni,

Thank you for your response to my request. As I indicated earlier, my brand has a very strong focus on quality and I will be glad to work with you if you can demonstrate that commitment. I can forward you the design and my logo so we can start with samples. I may also select some from your catalog as well.

Please let me know if that is OK with you.

Thanks,

Ivo

> Nice day, dear Ivo,  
>  
>  
> This is Sanni from Santic(QuanZhou)Sports Co.,Ltd.  
> I know you from Alibaba. We are a professional sports wear supplier which  
> specialize in this field for more than 15 years old with extensive  
> experience in design and production and we own 3 factories. Our main  
> sports wear including compression wear, cycling wear, fitness wear, running  
> wear, sport bra, swim wear, and so on.  
> I wonder whether you have any pending orders or inquiry, If so, pls  
> contact us with no hesitate. we are pleased to quote and make samples for  
> you.  
> Look forward to hearing from you.  
>  
> Best regards!  
> Sanni Chen  
>

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**Subject:** Fwd : Unisex Gender and Embroidered Pattern baseball cap  
**From:** "Wambli International" <wambli.textile.garments@gmail.com>  
**Date:** Sat, January 24, 2015 10:43 pm  
**To:** info@nivomail.com  
**Priority:** Normal  
**Options:** [View Full Header](#) | [View Printable Version](#) | [Download this as a file](#) | [Add to Address Book](#) | [View Message Details](#) | [View as plain text](#)

Dear Ivo Njabe,

I hope you are get the our e-mail from alibaba?

We are Textile & Sports wear garments Manufacturer and Exporter of the T-Shirt, Polo Shirt, Polo Cap, bandana, Sweat Shirt, Hoodies and all kind of the Kids wear and women wear also work wear & Riding Wear and Sports wear also any kind of the Caps and all kind of the beanies & garments Labels & Accessories and All kind off the Home and kitchen wear Textile & more etc

So here in attach our some page style in attachment.

We have big Setup for Stitching to garments also we have a big Setup Embroidery and All kind of printing.

About the as you want **Unisex Gender and Embroidered Pattern baseball cap** So our Price is \$1.80

We want to settle a relationship with a business for long term future orders Also you come in Pakistan for Visit our Factory Welcome in Pakistan any time.

We are waiting your reply & please do not hesitate to contact with us.

Thanks & B.R

Ali Khalid  
MD

H.Q  
Wambli International  
Nishat Park Paris Road  
Sialkot Pakistan

Factory :  
Wambli International  
Raheem pure Kechyah  
Sialkot Pakistan.

## Your quotation has been sent to the buyer!

Dear (Member ID:pk1013351294),

Thank you for submitting a quotation in response to the "Unisex Gender and Embroidered ..."Request for Quotation(RFQ).

**Congratulations!** We have successfully sent your quotation to the buyer.

**The buyer's contact information is as follows:**

Business Email:[info@nivomall.com](mailto:info@nivomall.com)

Name:Ivo Njabe

Company Name:Nivo

Country/Region:United States

Detailed Description of this RFQ:

Hi,

I would like a long term relationship if you can guarantee quality. I would like my logo on the product. Please respond so we can proceed.

Thanks,

Ivo







**Jacket**  
Wanbli International



**Alpha**  
- Full Zipper Jacket  
- Color Black/silver  
Size: M - XXL  
Art. Nr.: W1 001

Waterproof upper in front. Rubber tab with hook and close fastener for adjusting the collar width. Chest pockets with water repellent. Unique rain channel to keep hands, gloves and grip dry and comfortable. Front pockets with water repellent zipper. Seamless side for non-billowing fit. Zip on each side with hook and close fastener to adjust the chest width. Drawstring in bottom edge for width adjustment.

**Wanbli International**



**Bravo**  
- Full Zipper Jacket  
- GORE-TEX® Performance Shell fabric  
- Color Chili red/white  
Size: XS - XXL  
Art. Nr.: W1 003

Zippered front pockets. Cuffs with hook and close fasteners and unique rain channel to keep hands, gloves and grip dry. Drawstring in bottom edge for width adjustment.

**Wanbli International**



**Amml**  
- Full Zipper Jacket  
- Color Arlecchini/Bright Green  
Size: XS - XXL  
Art. Nr.: W1 002

Chin protector. Cuffs with partial elastic and rubber tab with hook and close fastener. Water-repellent zippers. Drawstring in bottom edge for width adjustment. Laminated GORE-TEX® Performance Shell. High protection. High breathability. Release of excess heat and moisture. Easy to wash and maintain.

**Wanbli International**



**Dawo**  
- Pullover in INSULAT™ fabric  
- Aluminium/gunmetal/white  
Size: XS - XXL  
Art. Nr.: W1 004

Insulation. Excellent thermal insulation properties. Extremely high level of breathability with the ability to transport moisture away from the body. Light, extremely comfortable and very soft to the touch. Easy to wash and keeps its shape.

## Tee Shirt

### Basic T-Shirt

- 100% Cotton Jersey  
- 180 gsm

Size S - XXL

Art No. 400



### Baseball T-Shirt

- T-Shirt Jersey with Raglan Sleeves  
- 100% Ring-Spun Cotton  
- 170 gsm  
- Round Neck with 1/2" (1.27 cm) Ribs  
- Crew Shoulder Patch  
- Size S - M - L - XL - XXL

Art No. BB-111



### V-Shape T-Shirt

Art No. S/S 400V

- 160 gsm 100% Cotton  
Art No. 401

- 140 gsm 100% Cotton  
Art No. 402

- 180 gsm 95% Cotton  
5% Lycra  
Art No. 403

- 160 gsm 70% Cotton  
30% Polyester  
Art No. 404

- 180 gsm 50% Cotton  
50% Polyester  
Art No. 405

- 160 gsm 100% Polyester  
Art No. 406



Round Neck, 7cm width of 1x1 Ribs



Art No. W1 B236

Wambl International



### Fashion Long Sleeve Shirt

- 80% Cotton 20% Polyester Jersey

- 200 gsm

Size S - XXL

Art No. S10

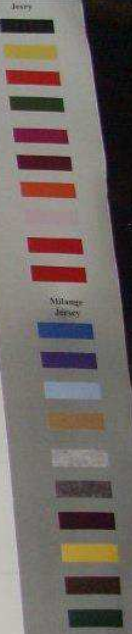
### Quick Dry Mockneck

- 33% Cotton 67% Polyester

- Quick Dry anti-UV, Antibacterial

Size S - XXL

Art No. 443



Wambl International







**Subject:** Re: Fwd : Unisex Gender and Embroidered Pattern baseball cap  
**From:** "Wambli International" <wambli.textile.garments@gmail.com>  
**Date:** Fri, January 30, 2015 10:32 pm  
**To:** "Nivo Store" <info@nivomall.com>  
**Priority:** Normal  
**Options:** [View Full Header](#) | [View Printable Version](#) | [Download this as a file](#) | [Add to Address Book](#) | [View Message Details](#) | [View as plain text](#)

---

Hi LOV ,

you means at the moment you want designs as you send us last e-mails with 10 styles ?

So i am waiting your reply

Tnx & Br

Ali

On Sat, Jan 31, 2015 at 4:40 AM, <[info@nivomall.com](mailto:info@nivomall.com)> wrote:

Hi Ali,

Thanks for your reply. Let's just do the ones I sent you for now. We can do the other ones later.

Thanks,

Ivo

> Hi LOV.

>

> OK send us your all designs then I will send you invoice for starting .

>

> About the first making pics so yes way not sure I will send you as we make

> every designs pics .

>

> So I am waiting your total number of designs for starting today .

>

> Tnx & Br

>

> Ali

>

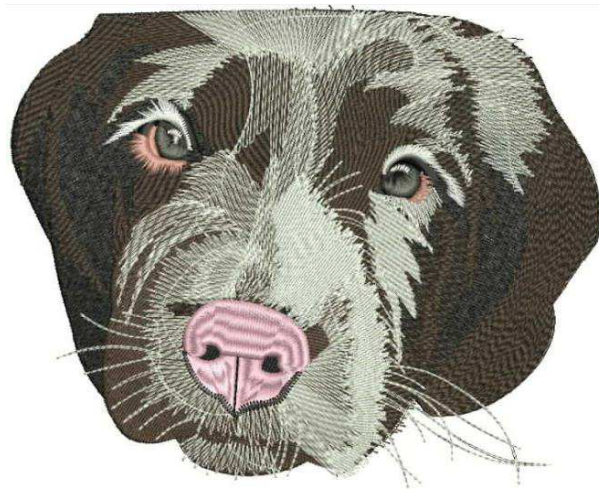
>>Hi Ali,  
>>  
>>50 samples will be fine, but please do your very best so we can do  
>>business regularly. I will also appreciate if you can send me the first  
>>few pictures of the samples you make so I can assess the quality and  
>>whether you know exactly what I like. I also have other designs I will  
>>send to you if that is OK. Please let me know.  
>>  
>>Thanks,  
>>  
>>Ivo  
>>  
>>> Hi LOV .  
>>>  
>>> I means if you want 50 sample then I will do each \$1.80  
>>>  
>>> Or if you want 2 sample then I will do \$50 for each 2 sample .  
>>>  
>>> Hope you are understand ?  
>>>  
>>> Tnx & Br  
>>>  
>>> Ali  
>>>  
>>> [info@nivomall.com](mailto:info@nivomall.com) wrote:  
>>>  
>>>>Hi Ali, do you mean 50 sample in total (each for \$1.80) or 50 samples  
>>>> for  
>>>>each type (\$1.80 for each cap)  
>>>>  
>>>>Thanks,  
>>>>  
>>>>Ivo  
>>>>

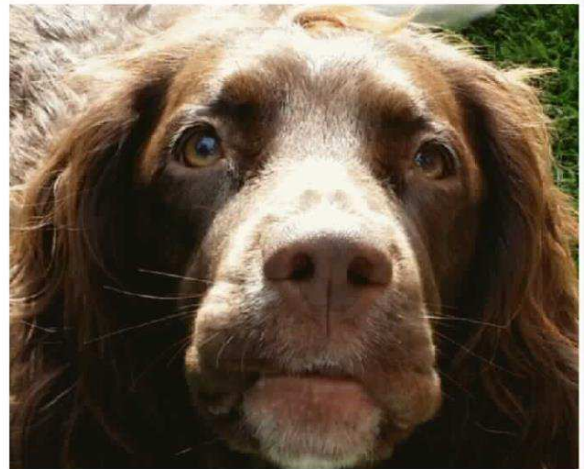
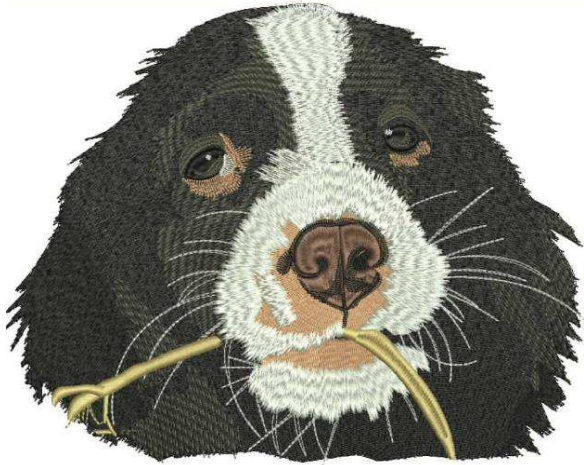
>>>>> [wambli.textile.garments@gmail.com](mailto:wambli.textile.garments@gmail.com)> wrote:  
>>>>>  
>>>>> Hi LVO .  
>>>>>  
>>>>>  
>>>>> OK So If your Sample Qty like a 50 each then Price \$1.18  
>>>>>  
>>>>> if your Sample Qty as you want just 2 cap each style then \$50 each 2  
>>>>> Samples cost ,  
>>>>>  
>>>>> So i am waiting your reply  
>>>>>  
>>>>> Trnx & Br  
>>>>>  
>>>>> Ali  
>>>>>  
>>>>> On Thu, Jan 29, 2015 at 8:40 AM, <[info@nivomall.com](mailto:info@nivomall.com)> wrote:  
>>>>>  
>>>>> Hi Ali,  
>>>>>  
>>>>> Thank you for your quick reply. Because we haven't worked together  
>>>>> in  
>>>>> the  
>>>>> past, I will not want to order many samples for now. So please  
>>>>> produce  
>>>>> two  
>>>>> samples of each. Once I am OK with the samples, then we will  
>>>>> increase  
>>>>> the  
>>>>> quantities of the different types. I hope all of them turn out to  
>>>>> be  
>>>>> great. Please let me know if that is OK and the next step.  
>>>>>  
>>>>> I will send you another design soon.  
>>>>>  
>>>>> Thanks,  
>>>>>  
>>>>> Ivo  
>>>>>  
>>>>>

>>>>>> > Hi LVO .  
>>>>>> >  
>>>>>> > As I see your all attach jpg files so that is OK I totally  
>>>>>> understand  
>>>>>> for  
>>>>>> > what you want .  
>>>>>> >  
>>>>>> > So tell me each logo how many pcs you want like a samples ??  
>>>>>> >  
>>>>>> > So I am waiting your reply for starting samples asap .  
>>>>>> >  
>>>>>> > Tnx & Br  
>>>>>> >  
>>>>>> > Ali  
>>>>>> >  
>>>>>> > [info@nivomail.com](mailto:info@nivomail.com) wrote:  
>>>>>> >  
>>>>>> >>  
>>>>>> >>Hi Ali,  
>>>>>> >>  
>>>>>> >>Thank you for your kind response. I have attached one of the caps  
>>>>>> you  
>>>>>> >>produced as a kind of design I would like. However, I would like  
>>>>>> to  
>>>>>> make  
>>>>>> >>some changes on it. In front of the cap, where you have the  
>>>>>> picture  
>>>>>> of  
>>>>>> >> the  
>>>>>> >>boat I would like to have animal heads there instead. I have  
>>>>>> attached  
>>>>>> the  
>>>>>> >>heads of different animals for your reference. I have also  
>>>>>> attached  
>>>>>> an  
>>>>>> >>image of a bird feeding its children. I will like to have caps  
>>>>>> for  
>>>>>> that  
>>>>>> >> as  
>>>>>> >>well. Meaning we would need to change the boat picture with that  
>>>>>> of  
>>>>>> the  
>>>>>> >>animal.

---










---

**Subject:** cap hometown make your own design cap hat

**From:**    <susan-303@hotmail.com>

**Date:** Sat, January 24, 2015 11:56 pm

**To:** "info@nivomall.com" <info@nivomall.com>

**Priority:** Normal

**Options:** [View Full Header](#) | [View Printable Version](#) | [Download this as a file](#) | [Add to Address Book](#) | [View Message Details](#) | [View as plain text](#)

---

Hello friend,

we are a cap factory more than 10 years we accept custom order can do any style any color according to your requests

attachment please check the cap we made for other customer

we can do both snapback and beanie hat

usually it's \$1/pcs based on 2000pcs same style same color, very good quality according to your requests,very good quality





production time need 15-20 days from the date you approve the sample cap

Waiting for your reply.

here's our alibaba website for your check

<http://superiorhat.en.alibaba.com/productlist.html>

---







 untitled-[1.1].plain	0.7 k	<a href="#">Download</a>	<a href="#">View</a>
 QQcT20140523144550.jpg	105 k	<a href="#">Download</a>	<a href="#">View</a>
 IMG_20140429_162811.jpg	2.1 M	<a href="#">Download</a>	<a href="#">View</a>
 IMG_20140623_173845.jpg	1.6 M	<a href="#">Download</a>	<a href="#">View</a>





Appendix Two: Our Available Products

FEATURED

					
Woman Dress \$20.00	Nivo Dark T \$24.99	Nivo T \$24.99	Sports Jersey \$80.00	woman b \$20.00	Black Ivory \$15.00
ADD TO CART	ADD TO CART	ADD TO CART	ADD TO CART	ADD TO CART	ADD TO CART
	★★★★★	★★★★★			

## Best Sellers



Nivo T Gray  
\$24.99

ADD TO CART



Nivo T  
\$24.99

ADD TO CART



Nivo T  
\$24.99

ADD TO CART

★★★★★



Sports Jersey  
\$60.00

ADD TO CART



Woman Dress  
\$40.00

ADD TO CART



Sports Jersey  
\$80.00

ADD TO CART

## Latest



Nivo T  
\$24.99

ADD TO CART



Nivo T  
\$24.99

ADD TO CART



Nivo T  
\$24.99

ADD TO CART



Nivo T Gray  
\$24.99

ADD TO CART



Nivo T  
\$24.99

ADD TO CART

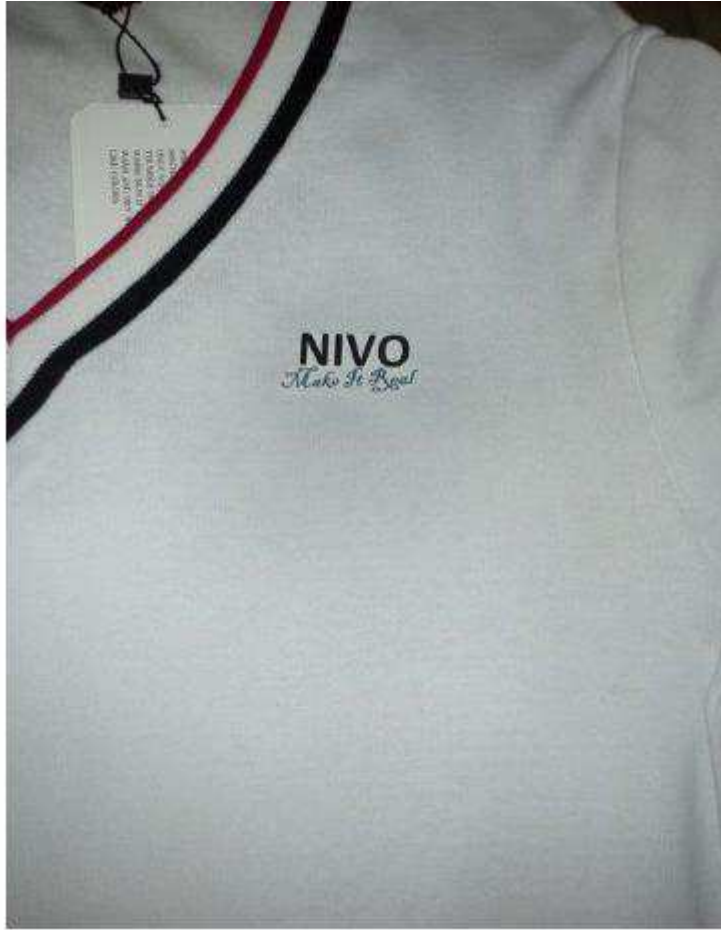


Nivo T Sea blue  
\$24.99

ADD TO CART









Also see [www.nivostore.com](http://www.nivostore.com)

[illegible]

Respectfully submitted,

/S/ Ivo N. Njabe

±

Ivo. N. Njabe

Owner of NIVO

3255 Justina Terrace Apt. 7

Jacksonville, FL. 32277

Tel: (904) 553-5618

Email: [njabe2002@yahoo.ca](mailto:njabe2002@yahoo.ca)

### **CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the foregoing **REGISTRANT'S RESPONSES TO PETITIONER'S REQUEST FOR DOCUMENTS AND THINGS** has been served on:

GESTION DIANE LANCTÔT LTÉE

By emailing and mailing said copy on December 28, 2015, as follows:

F. Michael Sajovec

Peter D. Siddoway

Myers Bigel Sibley & Sajovec, P.A.

4140 Parklake Ave, Suite 600

Raliegh NC 27612

[psiddoway@myersbigel.com](mailto:psiddoway@myersbigel.com)

Attorneys for Petitioner

Signature: /s/ Ivo N. Njabe.

Date: 1/10/2016.